



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105**

NOV 14 2014

Mr. Tony Barboza
Los Angeles Times
202 W. First Street
Los Angeles, California 90012

Re: Freedom of Information Act Request EPA-R9-2014-010781

Dear Mr. Barboza:

This letter is in response to your Freedom of Information Act (FOIA) request seeking correspondence between the U.S. EPA Region 9 office and EPA headquarters and any staff, representatives, agents of or contractors for (1) the California Department of Toxic Substances Control; (2) the South Coast Air Quality Management District; and (3) Exide Technologies; regarding the Exide Technologies facility in Vernon, California, from January, 2012 to present; including memos, e-mails, letters, text messages and any other correspondence.

Documents responsive to your request are available on FOIA online, at <https://foiaonline.regulations.gov/foia/action/public/search/>. Enter your assigned FOIA number to review uploaded documents.

The search results included some spreadsheets that are hundreds of pages long when printed, but only include a line or two about Exide. In some of these instances we have provided the pages with Exide-specific text.

We are unable to provide you a subset of the documents which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b), as follows:

- 5 U.S.C. 552(b)(5) protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency." EPA is withholding the following categories of documents on this basis: (i) correspondence between counsel for EPA, US Department of Justice, and several state Attorneys General regarding the Exide bankruptcy; (ii) correspondence between counsel for EPA and SCAQMD regarding investigation coordination.

- 5 U.S.C. 552(b)(7)(A) authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings." EPA is withholding the following categories of documents on this basis: (i) correspondence with DTSC related to inspection planning; (ii) documents received from Exide in response to a CAA section 114 information collection request.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number - EPA-R9-2014-010781). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions, please contact Clarice Jackson at (415) 972-3402.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amy C. Miller', with a long horizontal flourish extending to the right.

Amy C. Miller, Deputy Director
Enforcement Division